



## Administrative Policies and Procedures: 13.6

<b>Subject:</b>	<b>Minor and Major Violations: Delinquent Youth on Probation or Aftercare Supervision</b>
<b>Authority:</b>	TCA 37-5-105; 37-5-106; 37-1-122; 37-1-119; 37-1-137 (d), TCA 37-1-139 (b, c, & d); 37-1-159
<b>Standards:</b>	<b>DCS Practice Model Standard:</b> 8-300; <b>COA:</b> CM 5
<b>Application:</b>	To All Department of Children's Services Family Service Workers assigned Delinquent Youth who are on Probation or Aftercare

### Policy Statement:

Violations of the rules of probation or aftercare committed by delinquent youth will be investigated and applicable corrective actions developed for **minor violations** or the appropriate violation petitions filed with the Courts for **major violations**.

### Purpose:

To ensure uniform procedures for investigating minor violations and applying corrective actions, or filing a violation petition with the Court for major violations or offenses for youth adjudicated delinquent while on probation or aftercare.

### Procedures:

<b>A. Investigating minor or major violations</b>	<ol style="list-style-type: none"><li>1. All alleged major or minor violations must be based upon written rules and conditions of supervision. The family service worker will promptly make an investigation into the facts and circumstances surrounding each alleged violation by interviewing pertinent witnesses for the purpose of preparing a report.</li><li>2. As applicable, the family service worker must:<ol style="list-style-type: none"><li>a) Verify all alleged minor or major violations,</li><li>b) For a major violation, prepare a violation report on form <b>CS-0156, Violation Report</b>,</li><li>c) Develop and utilize alternative treatment resolutions,</li><li>d) Make treatment recommendations for youth, and</li></ol></li></ol>
<b>B. Criteria for consideration of</b>	<ol style="list-style-type: none"><li>1. Minor violations include <u>but are not limited to the following</u>:<ol style="list-style-type: none"><li>a) Curfew violations;</li></ol></li></ol>

<b>minor violations</b>	<ul style="list-style-type: none"><li>b) Truancy;</li><li>c) Failure to follow school rules;</li><li>d) Failure to report as directed by the family service worker;</li><li>e) Absconding from supervision for less than seventy-two (72) hours;</li><li>f) Failure to notify family service worker and/or gain approval before changing residence;</li><li>g) Minor traffic violations;</li><li>h) School suspension; and</li><li>i) Failure to comply with special conditions of supervision.</li></ul> <p>2. <u>Frequent minor violations</u> will be <u>considered serious</u> and dealt with in a formalized manner for major violations.</p> <p>3. Consequences for minor violations will be resolved in the community. A youth will not be recommended for custody for minor violations.</p>
<b>C. Resolutions for minor violations</b>	<p>1. Family Service Workers will consider corrective actions that will enhance the youth's adjustment in the least restrictive environment possible when investigating minor violations of the rules of probation or aftercare.</p> <p>2. When minor violations are confirmed, the family service worker will consider alternatives to revocation and may confer with the team leader and/or other team members regarding alternatives to revocation, including, <u>but not limited to</u>:</p> <ul style="list-style-type: none"><li>a) A child and family team meeting;</li><li>b) Counseling by the family service worker;</li><li>c) Imposition of special conditions of supervision;</li><li>d) Increasing the intensity of supervision;</li><li>e) Involvement with a community or self-help organization;</li><li>f) Referral for psychological assessment; and</li><li>g) Aiding and encouraging parents/guardians to fulfill their role as primary caretakers.</li></ul>
<b>D. Criteria for consideration of major violations</b>	<p>Major violations may include, <u>but are not limited to, the following</u>:</p> <ul style="list-style-type: none"><li>1. Crimes against a person or persons;</li><li>2. Crimes against property with a value of \$500 or more;</li><li>3. Arson;</li><li>4. Carrying a dangerous weapon;</li><li>5. Substance abuse;</li><li>6. Absconding for more than seventy-two (72) hours;</li></ul>

	<ol style="list-style-type: none"><li>7. Repetitive minor violations; and</li><li>8. School suspension for over five (5) days or expulsion.</li></ol>
<b>E. Preparation of the major violation report</b>	<ol style="list-style-type: none"><li>1. After investigating the alleged major violation, the family service worker will prepare form <b>CS-0156, Violation Report</b>, that will be reviewed and approved by his/her team leader and a copy placed in the youth's master case file. A petition will not be filed without the Team Leader's authorization.</li><li>2. If the family service worker is requesting a violation petition, a copy of the violation report must be submitted to the Court.</li></ol>
<b>F. Revocation process</b>	<ol style="list-style-type: none"><li>1. Prior to the filing of a petition for a major violation, a child and family team meeting will be conducted and alternatives to custody will be explored. Alternatives to custody may include <u>but are not limited to</u>:<ol style="list-style-type: none"><li>a) Victim/offender mediation;</li><li>b) Restitution;</li><li>c) Public service;</li><li>d) Referral to an intensive probation or aftercare program if available; or</li><li>e) Electronic Monitoring</li></ol></li><li>2. The family service worker must follow the Court's established procedures regarding petitions. Regional legal staff will be notified of pending hearings so that they may attend if possible.</li><li>3. If a petition for violation of probation/aftercare has been filed, the family service worker must make available to the court liaison all necessary and related materials for the revocation hearing and be prepared to support the allegations in the petition.</li><li>4. When the Court has substantiated an alleged violation, every consideration will be given to a course of action that allows the youth to remain in his/her home. If remaining in the home compromises community safety and every effort to maintain the youth in the family has been exhausted, the family service worker may make a recommendation for termination of the youth's home placement.</li><li>5. When the removal of the youth from the home is considered, every effort will be made to involve the youth and parent/guardian in the deliberations relevant to the decision.</li><li>6. The family service worker will be prepared to recommend treatment alternatives to the Court. Recommendations will focus on the individual treatment needs for the youth.</li></ol>
<b>G. Documentation</b>	Document all findings, corrective actions and recommendations in TNKids case recordings.

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<b>Forms:</b>	<a href="#"><u>CS-0156 Violation Report</u></a>
<b>Collateral documents:</b>	<i>None</i>

<b>Glossary:</b>	<b>Definitions:</b>
<i>Aftercare:</i>	The period of supervision of a delinquent youth beginning at release from the custody of the Department of Children's Services and continuing until the youth is removed from legal supervision.
<i>Major Violations:</i>	When a youth commits major violations against the rules of probation or aftercare; Major violations may include, but are not limited to: crimes against person or persons; crimes against property with a value of \$500 or more; arson; carrying a dangerous weapon; substance abuse; absconding for more than 72 hours; absconding from a DCS facility, foster home/contract facility; repetitive minor violations and school expulsion.
<i>Minor Violations:</i>	Those violations of probation or aftercare that do not present serious risk to the safety of the community at large. Minor violations include technical violations such as failing to attend school, or minor traffic violations.
<i>Probation:</i>	An indefinite period of time during which DCS provides supervision and services to a youth and family following an adjudication of delinquency by the juvenile court.